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10/776,370	02/10/2004	Alazel Acheson	MSFT-3026 / 307009.01	3201

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EXAMINER
PANNALA, SATHYANARAYA R

ART UNIT	PAPER NUMBER
2164	

MAIL DATE	DELIVERY MODE
03/25/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>19 January 2010</u>.

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _6-10,16-20,26-31,33,35-39,41-45,47 and 48_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _6-10,16-20,26-31,33,35-39,41-45,47 and 48_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All b) ☐ Some * c) ☐ None of:

         1. ☐ Certified copies of the priority documents have been received.

         2. ☐ Certified copies of the priority documents have been received in Application No. _____.

         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's Amendment filed on 1/19/2010 has been entered including amended

claims 31, 35, 37-38 and canceled claims 32, 34, 40, 46. In this Office Action, claims

6-10, 16-20, 26-31, 33, 35-39, 41-45 and 47-48 are pending.

Claim Objections

2.   Claims 31 and 37 objected to because of the following informalities: Applicant

added two limitations which were not underscored. They are: "separating the .NET

managed code into an immutable part and a mutable part", and "and the separation into

immutable and mutable parts". To proceed with the prosecution, Examiner considered

the amendment. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
>
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
>
> the prior art are such that the subject matter as a whole would have been obvious at the time the
>
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
>
> Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4.   Claims 6-10, 16-20, 26-31, 35-38, 41-44, 47-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava (US Patent 6,735,598) hereinafter Srivastava, in view of Stawikowski (US Patent 7,159,007) hereinafter Stawikowski, and in view of Pandya (US Patent 7,376,755) hereinafter Pandya.

5.   As per independent claims 31, 37 and 43, Srivastava teaches the invention attains its object by providing built-in classes in the relational database system and permitting users to define subclasses of the built-in classes for dealing with different kinds of data sources and differently-formatted data within the data sources (col. 3, line 66 to col. 4, line 3). Srivastava teaches the claimed, executing instructions from a memory in the database server (Fig. 11, col. 3, lines 20-26, the source code is compiled by a compiler in the database system to produce executable code and the compiler then modifies the table so that it relates the class and subclass specified in the package's name to the location of the code in the database system).

Srivastava teaches analogous to the claimed, writing said application code as .NET managed code (Fig. 6, col. 10, lines 10-15, template 601 is written in the

PL/SQL programming language. It may, however, be written in any language which the database system is able to compile). Srivastava does not explicitly teach .NET code. However, Stawikowski teaches the claimed, invoking .NET managed code (col. 1, lines 62-63 and col. 2, lines 6-12, an applications server (J2EE, NET, etc.), a database management system (DBMS) server, the remote equipment comprises at least one processing unit, is capable of connecting to at least one item of automation equipment through an IP network and executing a program or a set of computer programs); Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Stawikowski's teachings would have allowed Srivastava's method to automation equipment may include a WEB server to exchange data related to the automation equipment with a remote WEB client (col. 1, lines 39-42).

Srivastava and Stawikowski do not teach client's connection, triggers, transaction context. However, Pandya teaches the claimed, invoking an invocation context in the database server, wherein the invocation context comprises providing access to a client's connection context (Fig. 34, col. 33, line 55 to col. 34, line 18). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Pandya's teachings would have allowed Srivastava's method to automation equipment may include a WEB server to exchange data related to the automation equipment with a remote WEB client (col. 1, lines 39-42).

Srivastava teaches the claimed, exposing the invocation context to the database server through the utilization of an in process provider (Fig. 11, col. 11, lines 12-16, the database system of the preferred embodiment dynamically links the code for a method belonging to an ORDSource subclass at the time that code being executed by the database system invokes the method). Srivastava teaches the claimed, executing the code in the database server based on the invocation context, wherein the code is executed under the client's connection context, storing information for the client's connection context in said memory (Fig. 6, col. 3, lines 11-15, the executable code for the method is stored in storage controlled by the database system and is located by means of a table in the database system's schema which relates the object's class and subclass to the location of the executable code).

6.   As per dependent claims 36, 42, 48, Srivastava teaches the claimed, the in-process provider supports more than one pending executing command for a client connection (Fig. 11, col. 11, lines 3-11, the database system of the preferred embodiment also has provisions for executing compiled code contained in files external to the database system; thus, a package can also be implemented using any programming language for which there is a compiler on the computer system upon which the database system is executing).

7.   As per dependent claims 35, 41, 47, Srivastava teaches the claimed, invoking code in the database server is a result of a client trigger (Fig. 11, col. 11, lines 12-38).

8.   As per dependent claims 38, 44, Srivastava teaches the claimed, exposing the

invocation context comprises exposing at least one of : a client's connection context, a

command with a state execution context, a transaction context associated with a

command, a path through which requests and results may be sent or received between

a client and database server, a trigger context, where the trigger results from an

operation of the client, or a forward-only cursor on top of statement execution results

(Fig. 11, col. 11, lines 12-38).

9.   Claims 33, 39 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Srivastava (US Patent 6,735,598) hereinafter Srivastava, in view of Stawikowski

(US Patent 7,159,007) hereinafter Stawikowski, in view of Pandya (US Patent

7,376,755) hereinafter Pandya and in view of Woodring (US Patent 7,020,660)

hereinafter Woodring.

10.   As per dependent claims 33, 39 and 45, Srivastava, Stawikowski and Pandya do

not explicitly teach using ADO. However, Woodring teaches the claimed, the client

comprises a .NET application and the in-process provider is an ADO.net in-process

provider (Fig. 3, col. 3, lines 49-56). Thus, it would have been obvious to one of

ordinary skill in the data processing art at the time of the invention, to have combined

the teachings of the cited references because Harris' teachings would have allowed

Srivastava's method to eliminate the application software code customization based on

a low level DBMS application programming interface (API) and the specific DBMS being

accessed. (col. 1, lines 28-31).

Response to Arguments

11.   Applicant's arguments filed 1/19/2010 have been fully considered but they are

not persuasive and details are:

a)   Applicant's argument stated as "Regarding issues with the Examiner's

Amendment that accompanied the withdrawn Notice of Allowance, Examiner

noted the inaccuracies of the Office Action."

In response to Applicant argument, Examiner respectfully disagrees.

Because, no inaccuracies in the previous Office Action. Applicant in response to

Notice of Allowance, filed a RCE with IDS. It clearly indicates that Applicant has

not accepted the Allowance with the Examiner's Amendment of claims.

Therefore, for non-Final office action, i.e., in response to RCE, Examiner used

the claims filed on 5/4/2009 for initiating the allowance. If Applicant accepted the

allowance the Examiner's amendment would have been in effect. Now,

Applicant improperly amended the claims as in the withdrawn Examiner's

Amendment. However, Examiner ignored the mistake and considered the

amendment to expedite the prosecution.

b)   Applicant's argument regarding claims 31, 32, 35-37, 38, 40-43, 44, and

46-48 rejection under 35 U.S.C. 103(a) stated as "The office action asserts that

Srivastava's dynamic linking of a database server to a subclass at the time the

code is executed as teaching the utilization of an in process provider. However,
Srivastava only makes a cursory statement regarding dynamic linking during the
execution of code. Srivastava's dynamic link to a subclass does not teach or
suggest exposing the client's connection context to the database server."

In response to Applicant argument, Examiner respectfully disagrees.
Because, the prior art teaches the same concept using object oriented program
language whereas the current invention using the same concept in .NET
environment which is also an object oriented program. Srivastava teaches clearly
the dynamic linking during execution and it is not mere cursory statement and
there is no chance for argument from the concept aspect. Applicant added the
limitations of client context and Examiner added another reference by Pandya.
Pandya teaches client access for connection, triggers, command, transaction and
path to send and receive between a client and database server (Fig. 34, col. 33,
line 55 to col. 34, line 18). Further, In response to applicant's argument that
"Srivastava's dynamic link to a subclass does not teach or suggest exposing the
client's connection context to the database server", a recitation of the intended
use of the claimed invention must result in a structural difference between the
claimed invention and the prior art in order to patentably distinguish the claimed
invention from the prior art. If the prior art structure is capable of performing the
intended use, and then it meets the claim.

Conclusion

12.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time
policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE
MONTHS from the mailing date of this action. In the event a first reply is filed within
TWO MONTHS of the mailing date of this final action and the advisory action is not
mailed until after the end of the THREE-MONTH shortened statutory period, then the
shortened statutory period will expire on the date the advisory action is mailed, and any
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of
the advisory action. In no event, however, will the statutory period for reply expire later
than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Sathyanarayan Pannala whose telephone number is
(571) 272-4115. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number
for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like

assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or

571-272-1000.

/Sathyanarayan Pannala/
Primary Examiner, Art Unit 2164

srp
March 18, 2010